

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Joshua Brockelmeyer,) CIVIL ACTION NO.:

Plaintiff,))

v.))

Datavant, Inc.,))

Defendant.))

DEFENDANT'S
NOTICE OF REMOVAL

EXHIBIT A

(State Court Papers and Notice of Service of Process)

STATE OF SOUTH CAROLINA
COUNTY OF JASPER

JOSHUA BROCKELMEYER,

Plaintiff,

vs.

DATAVANT, INC.,

Defendant.

IN THE COURT OF COMMON PLEAS
FOR THE FOURTEENTH JUDICIAL
CIRCUIT

CASE NO.

SUMMONS
(JURY TRIAL REQUESTED)

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint on the subscriberd, Nauheim Law Office, LLC, P.O. Box 31458, Charleston, South Carolina 29417, within thirty (30) days after the service hereof, exclusive of the date of such service; and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

NAUHEIM LAW OFFICE, LLC

s/*David A. Nauheim*
David A. Nauheim
Attorneys for the Plaintiff
P.O. Box 31458
Charleston, South Carolina 29417
(843) 534-5084

Charleston, South Carolina
March 14, 2023

STATE OF SOUTH CAROLINA
COUNTY OF JASPER

JOSHUA BROCKELMEYER,

Plaintiff,

vs.

DATAVANT, INC.,

Defendant.

IN THE COURT OF COMMON PLEAS
FOR THE FOURTEENTH JUDICIAL
CIRCUIT

CASE NO.

COMPLAINT

(JURY TRIAL REQUESTED)

The Plaintiff above named, complaining of the Defendant herein, would respectfully show unto the Court:

NATURE OF ACTION

This is a wrongful termination claim in which the Defendant, Datavant, Inc. fired the Plaintiff, Joshua Brockelmeyer based on his race.

JURISDICTION AND PARTIES

1. Datavant, Inc. (Datavant) is a Delaware corporation that does business in South Carolina.
2. The Plaintiff, Joshua Brockelmeyer, is a resident of Jasper County, SC.
3. All parties and subject matters herein are within the jurisdiction of this Honorable Court.

FACTS

4. In May of 2021, Datavant hired the Plaintiff as a client service representative.
5. The Plaintiff is a white male.
6. In or about October of 2021, Datavant promoted the Plaintiff to a Regional Manager of Operations position.

7. Datavant gave the Plaintiff this promotion because of his performance working for the company.
8. In this position, Datavant tasked the Plaintiff with supervising client services representatives.
9. One of the subordinates that Datavant assigned to the Plaintiff was a Black woman named Quiana.
10. Quiana exhibited a pattern of policy violations and attendance violations at work
11. Quiana's behavior was such that it elicited a complaint from a client.
12. On or about June 14, 2022, the Plaintiff, with the approval Defendant's HR representative, counseled Quiana.
13. Prior to the counselling, Plaintiff saw text messages from Quiana to another employee saying "fuck this job and fuck Josh."
14. During the counselling, Plaintiff addressed the various policy violations and attendance occurrences with Quiana.
15. At the end of the counselling, Plaintiff asked Quiana if it was true that she communicated to another employee "Fuck this job and fuck Josh."
16. Quiana refused to address the issue and ended the meeting.
17. On or about June 16, Datavant VP of operations Tara Eckhart had a call with the Plaintiff, and asked if the Plaintiff wanted to address how he cursed at Quiana. Eckhart then learned from the Plaintiff that he did not curse at Quiana but rather quoted her own text in which she was cursing.

18. That same day, Datavant VP of operations Tara Eckhart, Senior VP of operations Jennifer Wells, and HR representative Alison Hendricks initiated a call to the Plaintiff.
19. During this call, they told the Plaintiff that he was terminated.
20. They informed the Plaintiff, "Due to ongoing issues and a customer complaint, we are terminating you."
21. Datavant had never issued any disciplinary actions against the Plaintiff during his employment aside from his termination.
22. Datavant did not issue any type of corrective action plan to the Plaintiff prior to his termination.
23. Datavant continued to employ Quiana after the Plaintiff's termination.

FOR A FIRST CAUSE OF ACTION
Violation of Title VII of the Civil Rights Act of 1964
Wrongful termination

24. The Plaintiff re-alleges all foregoing paragraphs as if restated herein verbatim.
25. The Defendant is subject to the requirements and prohibitions of Title VII of the Civil Rights Act of 1964.
26. The Plaintiff is a white male.
27. The Defendant took adverse employment action against the Plaintiff by terminating him.
28. The Defendant's discriminatory treatment of Plaintiff constitutes race discrimination, disparate treatment based on race, and less favorable terms and conditions of employment for the plaintiff based on race, all in violation of Title VII.

29. The Plaintiff met the employer's legitimate expectations at all relevant times.
30. The aforementioned actions were taken in intentional, knowing, and willful violation of Title VII of the Civil Rights Act of 1964 and caused the Plaintiff economic and noneconomic damages.

FOR A SECOND CAUSE OF ACTION
Wrong Termination based on race in violation of USC § 1981

31. The Plaintiff re-alleges all foregoing paragraphs as if restated herein verbatim.
32. The Defendant is subject to the requirements and prohibitions of USC § 1981.
33. The Plaintiff was employed by the Defendant.
34. The employment relationship between the Plaintiff and the Defendant was by its nature contractual.
35. The Defendant terminated the Plaintiff.
36. The Plaintiff met the employer's performance expectations at all relevant times.
37. The Defendant's adverse action against the Plaintiff was based upon his race.
38. The aforementioned actions were taken in intentional, knowing, and willful violation of 42 USC §1981 and caused the Plaintiff economic and noneconomic damages.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays for judgment against the Defendants for all injuries and damages, punitive damages, fees and costs and equitable remedies set forth in this complaint and/or allowed, provided for, or permitted by the common law or statutory law in such an amount as shall be determined by the finder of fact under the evidence presented at trial, and for an Order requiring Defendant to bring its policies, procedures, training and supervision in compliance with statutes and constitutional provisions reference

herein, and for further relief as the Court may deem just and proper.

Respectfully submitted,

/s/ David A. Nauheim
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March 14, 2023



null / ALL

Transmittal Number: 26602991
Date Processed: 03/22/2023

Notice of Service of Process

Primary Contact: Kim Smith
CIOX Health, LLC
120 Bluegrass Valley Pkwy
Alpharetta, GA 30005-2204

Electronic copy provided to: Dart Jackson
Yenis Molina

Entity: Datavant, Inc.
Entity ID Number 3743888

Entity Served: Datavant, Inc.

Title of Action: Joshua Brockelmeyer vs. Datavant, Inc.

Matter Name/ID: Joshua Brockelmeyer vs. Datavant, Inc. (13818695)

Document(s) Type: Summons/Complaint

Nature of Action: Discrimination

Court/Agency: Jasper County Court of Common Pleas, SC

Case/Reference No: Not Shown

Jurisdiction Served: South Carolina

Date Served on CSC: 03/20/2023

Answer or Appearance Due: 30 Days

Originally Served On: CSC

How Served: Personal Service

Sender Information: Nauheim Law Office, LLC
843-534-5084

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

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